

**Remarks:**

Claims 20-42 are pending with claim 20 being independent. In the Office Action dated December 17, 2004 ("OA"), claims 20-39 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wares, U.S. Patent Application Publication No. 2001/0044768 in view of Matsuzaki, U.S. Patent No. 5,767,848. Claims 40 and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wares in view of Matsuzaki and Gundewar, U.S. Patent No. 6,281,610. Applicant respectfully traverses these rejections.

Independent claim 20 has been amended to recite  
a pro-active manager code segment operable to monitor a status of the project, the one or more tasks, the electronic communication, and the bid, to compare the status information with a critical path schedule, and to notify a contact person in a user-defined manner via a notification method chosen from the group consisting of e-mail, voice mail, and fax when the status information reflects a deviation from the critical path schedule, wherein the contact person may be an appropriate contact person selected from the list maintained by the resource and contact manager, and wherein the status of the project is received from a project site on a daily basis.

The new language is supported in the specification at paragraphs 154–56, among other places.

Applicant respectfully asserts that the prior art references cited by the Examiner do not teach or suggest all of the claim limitations of amended claim 20. The prior art does not teach or suggest, for example, a pro-active manager code segment "operable to monitor a status of the project, . . . to compare the status information with a critical path schedule, and to notify a contact person in a user-defined manner via a notification method chosen from the group consisting of e-mail, voice mail, and fax when the status information reflects a deviation from the critical path schedule . . . wherein the status of the project is received from a project site on a daily basis."

Applicant initially notes that the system disclosed in Wares is fundamentally different than the system of the present invention in that Wares teaches a system adapted

to manage project *bidding* during a *pre-construction phase* of a project, as opposed to managing a *schedule* during *all phases of construction*. While the invention of Wares is ostensibly a “bid and project management system and method” (see, e.g., Wares, title; abstract; ¶¶ 6, 10, 13), Wares only discloses details related to the *bidding* phase of a construction project and is utterly devoid of any details relating to the *building* phase of a construction project. The application invention, in contrast, applies to all phases of a construction project, including bidding and building.

Wares states that it is “a primary objective of the [invention disclosed in Wares] to provide an integrated e-commerce based *bidding* and construction project management system and method . . .” (Wares, ¶ 8, emphasis added). Wares discloses various details of the bid management aspect of the invention, including, for example, bid preparation and submission (*Id.*, ¶¶ 47, 98); storing bid packages (*Id.*, ¶ 38); and tracking a bid response status (*Id.*, ¶ 99). In contrast, Wares is utterly devoid of any detail relating to electronic management of a construction project during a building phase. Wares dedicates only a single paragraph (¶ 102) and a single drawing (Fig. 14) of the detailed description, for example, to a discussion of the construction management aspects of the invention, which presents only a general disclosure and does not include any details, such as the actual function of the construction management aspect of the invention. Fig. 4, for example, which illustrates “a simplified block diagram illustrating the core technology infrastructure coupled to a plurality of functions related to a life-cycle of a building project” (¶ 30), illustrates a “build/construction” function and a “maintenance” function, *but includes no further details or explanations* of either. Therefore, while Wares *mentions* project management through several phases, including a construction project phase, it *provides detail* only for a pre-construction bidding phase and is therefore fundamentally different than the application invention.

This difference between Wares and the application invention is reflected in the failure of Wares to disclose various elements of the present invention, including, for example, a pro-active manager code segment “operable to monitor a status of the project” and “to compare the status information with a critical path schedule . . . wherein the status

of the project is received from a project site on a daily basis” Wares simply does not disclose a system that receives information from a project site or manages a critical path schedule, much less the combination of receiving status information on a daily basis and comparing it to the critical path schedule.

Applicant also asserts that the prior art does not teach or suggest notifying “a contact person in a user-defined manner via a notification method chosen from the group consisting of e-mail, voice mail, and fax.” Matsuzaki briefly mentions a “notifying means” as follows:

*a notifying means* for deciding whether or not the estimated data of progress meet the corresponding target values when the models are changed or particularized and, at least when the estimated data of progress do not meet the corresponding target values, *notifying the members* to the effect that the estimated data of progress do not meet the corresponding target values. . . . an estimated value and target value reviewing unit checks the differences between the estimated values and the corresponding target values, and *gives the results of checking to the client machines* to *notify* the members of the difference or to enable the members to make reference to information.

(col. 2, lines 28–35; col. 6, lines 17–22, emphasis added). Thus, Matsuzaki discloses only the general concept of communicating comparison results to client machines, or computers. Claim 20, in contrast, recites notifying a *contact person directly* (not a computer) in a *user-defined manner* via any of various notification methods, including *e-mail, voice mail, and fax*.

Finally, Matsuzaki lacks any teaching or suggestion to modify the invention to provide notification in a user-defined manner via e-mail, voice mail, or fax. Matsuzaki, for example, discloses that members of the development team use computers that are part of a computer network (Matsuzaki, col. 5, lines 36–40; Fig. 1). Thus, members of the team are most easily notified via the computer network itself, obviating the need to generate notifications in a user-defined manner, or via the alternative means listed in claim 20.

Claims 21–42 depend from claim 1.

In view of the remarks herein, applicant respectfully submits that claims 20-42 are now in allowable condition and requests a Notice of Allowance. In the event of further questions, the Examiner is urged to call the undersigned. Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

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